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Attorneys for Defendants Green United, LLC and Wright W. Thurston and Relief Defendants

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,
v.

GREEN UNITED, LLC, et al.,

Defendants.

**DEFENDANTS GREEN UNITED,
LLC, WRIGHT W. THURSTON, AND
RELIEF DEFENDANTS' MOTION
FOR LEAVE TO FILE AN
OVERLENGTH MEMORANDUM IN
SUPPORT OF THEIR MOTION TO
DISMISS PLAINTIFF'S COMPLAINT**

Case No. 2:23-cv-00159-BSJ

Judge Bruce S. Jenkins

Defendants Green United, LLC (“Green United”) and Wright W. Thurston (“Thurston”) and Relief Defendants True North United Investments, LLC (“True North”) and Block Brothers, LLC (“Block Brothers”), through counsel of record, pursuant to DUCivR 7-1(a)(6)(A), request

that the Court grant leave for the parties to jointly submit a single overlength Memorandum in Support of their Motion to Dismiss the Complaint filed by Plaintiff Securities and Exchange Commission (“SEC”). Green United, Thurston and the Relief Defendants request up to an additional 12 pages (37 pages in total), for their Memorandum in Support of their Motion to Dismiss (the “Motion”).

Green United, Thurston and the Relief Defendants have good cause for the need of the additional 11 pages. This case involves the sale of computer hardware and software. However, the SEC’s claims that the equipment sales constitute sales of securities as “investment contracts” because the equipment involves digital rewards. In Green United and Thurston’s Motion, they request that the Court dismiss the SEC’s Complaint in its entirety under Rule 12(b)(6) because there are no “securities” in this action and thereby the SEC does not have jurisdiction to bring its claims in the Complaint. Green United and Thurston require additional pages to explain the SEC’s novel theories of asserting that the sale of computer machines and software fit within the *Howey* test. In addition, Green United and Thurston argue that even if securities are present, the SEC fails to plead its fraud claims with particularity.

Finally, Green United, Thurston and Relief Defendants require the additional pages for their third argument regarding the constitutional considerations and implications of the SEC’s complaint. Currently, there are numerous debates in Congress and among federal agencies as to the regulatory parameters of crypto currencies, blockchain technologies, and digital rewards. Notwithstanding market confusion regarding regulation of this new industry, the SEC continues to file enforcement actions to shift the burden of rulemaking from Congress to the Court. Green United, Thurston and Relief Defendants require additional pages to fully apprise the Court of the

seemingly daily updates to these debates and the resulting constitutional considerations, including Major Questions Doctrine and fair notice.

Based on the foregoing, Green United, Thurston and the Relief Defendants request leave to file an overlength Motion with an additional 12 pages (37 pages in total). A proposed Order is filed concurrently herewith.

DATED this 19th day of May 2023.

PARSONS BEHLE AND LATIMER

/s/ Jonathan D. Bletzacker
Jonathan D. Bletzacker

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/s/ Stephen T. Gannon
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*Attorneys for Defendants Green United, LLC,
and Wright W. Thurston and Relief Defendants
True North United Investment, LLC and Block
Brothers, LLC*

CERTIFICATE OF SERVICE

On this 19th day of May 2023, I hereby certify that I electronically filed a true and correct copy of the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification and service to all counsel of record.

/s/ Jonathan D. Bletzacker